

## United States District Court

for the

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

Oct 09, 2019

Report on Offender Under Supervision  
*(No Action Requested)*

SEAN F. MCAVOY, CLERK

Name of Offender: Javier Rodriguez Tijerina Jr. Case Number: 0980 2:19CR00115-TOR-1

Name of Sentencing Judicial Officer: The Honorable Michael W. Mosman, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: March 17, 2016 Type of Supervision: Supervised Release

Original Offense: Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6), 7(3) and 2 Date Supervision Commenced: June 25, 2019

Original Sentence: Prison - 46 Months; TSR - 36 Months Date Supervision Expires: June 24, 2022

## NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Violation Number    Nature of Noncompliance

1        **Standard Condition # 14:** The defendant shall not knowingly associate with any persons engaged in criminal activity, and shall not knowingly associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

2        **Special Condition # 4:** The defendant shall not associate with any known gang members.

**Supporting Evidence:** Mr. Tijerina is alleged to have violated standard condition number 14 and special condition number 4 by having contact with multiple individuals known to him to be gang affiliated and to have a criminal history on or about August 9, 2019, based on evidence presented to the undersigned officer by the Washington State Department of Corrections and based on the client's admission of such contact.

On June 25, 2019, Mr. Javier Rodriguez Tijerina Jr., signed his conditions relative to case number 2:19CR00115-TOR-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Tijerina was made aware by his U.S. probation officer that he was required to refrain from any contact with those known to him to be gang affiliated or to have a criminal record.

Specifically, on August 16, 2019, the undersigned officer received collateral information, and the evidence in question, from local law enforcement indicating a photograph had been posted to social media on or about August 9, 2019, which showed the client in the company of multiple individuals known to law enforcement and the undersigned officer to have a criminal history and to be gang affiliated. Mr. Tijerina had not previously reported this conduct or incident to the undersigned officer.

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On August 20, 2019, Mr. Tijerina was contacted telephonically, at which time the client admitted to being in the presence of others known to him to both have a felony record and to be gang affiliated, although identified all the parties present as old friends who no longer engaged in any type of illicit conduct or gang activities. On August 21, 2019, Mr. Tijerina was taken into custody by the Washington State Department of Corrections for the conduct as alleged herein and for failing to report as directed. On September 3, 2019, the client reported to the U.S. Probation Office in Spokane following his release from custody to allow for the undersigned officer to address the client's admitted conduct.

**U.S. Probation Officer Action:**

In response to the client's admitted contact with individuals known to him to have a felony record and to be gang affiliated, the undersigned officer used cognitive interventions with the client targeted at assisting him in identifying the potential ramifications of his chosen behavior. Mr. Tijerina was informed his behavior was both unacceptable and a violation of his conditions, which he indicated he understood. The undersigned officer also helped the client to identify how his current actions were not consistent with progressing in his personal objectives, which he grasped and concurred.

The client was verbally admonished for his admitted conduct and informed the Court would be made aware of the transgression. Further, the undersigned officer offered to review with the client his conditions of supervised release as ordered by the Court; however, the client indicated this was not necessary. The client indicated that following both his incurred Department of Corrections and U.S. Probation violation process that he would not under any circumstances again associate with those known to him to be restricted by his conditions of supervised release, indicating it is simply not worth it.

To Mr. Tijerina's credit, he continues to work full time for the Ugly Duck in Spokane, and continues to attend and maintain compliance with Court ordered chemical dependency treatment services. Mr. Tijerina additionally submits to random urinalysis testing as required, and with the exception of the content as reported herein, has otherwise remained in compliance with his ordered terms of supervised release.

It is hoped the intermediate sanction imposed meets the expectations of the Court. Please advise the undersigned officer if Your Honor requires a different course of action or a Court appearance by the offender. It should be noted this conduct is additionally being reported under cause number 2:08CR02135-EFS-1, given the client's dual supervision within the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On:

September 23, 2019

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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- Court Concurs with Officer Action
- Submit a Request for Modifying the Condition or Term of Supervision
- Submit a Request for Warrant or Summons
- Other



Signature of Judicial Officer

October 9, 2019

Date